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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,950	09/07/2000	Jeremy S. De Bonet	11291.00012/GST	2338

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NEW YORK, NY 10038

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/656,950

Applicant(s)

DE BONET ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-22 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelley[U.S. Pat. No. 6122757].

4. As to claim 1, Kelley teaches the invention as claimed including: a method in a computer system for efficiently comparing two trinary logic representations [Abstract; Figs. 3-5; col.6, line 57 – col.7, line 14], comprising:

a) creating a first data structure (referred herein as a VALUE data structure) representative of a first set of properties [e.g., P1 pattern – see 415, Fig.4];

b) creating a second data structure (referred herein as a KNOWN data structure) representative of whether said first set of properties is known [e.g., M1 of Fig.4; i.e., the mask bits for P1 pattern];

c) creating a third data structure (referred herein as a TARGET data structure) representative of a target set of properties [e.g., P2 pattern of Fig.4];

d) creating a fourth data structure (referred herein as a WANT data structure) representative of whether said target set of properties is wanted [e.g., the mask bits for P2 pattern]; and

e) comparing said first, second, third, and fourth data structures using bit-wise binary operations to determine whether said first set of known properties are wanted as a target set of properties [540, Fig.5; 615-628, Fig.6].

5. As to claims 2-3, Kelley further teaches that said bit-wise binary operation are performed according to the Boolean equation:

(not WANT) or (KNOWN and ((TARGET xor VALUE))), which is equivalent to the Boolean equation:

(not WANT) or (KNOWN and ((TARGET and VALUE) or ((not TARGET) and (not (VALUE)))))

[Note that this is an inherent property to Kelley's pattern matching when considering the fact that two mask-filtered patterns are "equal" when all of their corresponding bits are equal (i.e., resulting all "ones" after a bit-wise "exclusive nor" operation between the two mask-filtered patterns].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley [U.S. Pat. No. 6122757], as applied to claims 1-3 above.

8. As to claims 4-8, Kelley does not specifically teach the length of said first, second, third, and fourth data structures. However, in the example at col.6, line 23 – col.7, line 6 and Fig.4, Kelley uses different number of bits or computer words to represent the states of a parameter (or property). It would have been obvious to one of ordinary skill in the art at the time the invention was made to dynamically pack these logical states in accordance with the length of the computer words because Kelley teaches an objective of minimizing the number of pattern matching comparisons [Abstract].

9. Claims 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley [U.S. Pat. No. 6122757], as applied to claims 1-8 above, further in view of Srinivasan et al.(hereafter "Srinivasan")[U.S. Pat. No. 6411992].

10. As to claims 9, 17-18 and 21, Kelley teaches the invention substantially as claimed including: a method in a computer system for efficiently comparing two trinary logic as described in paragraph #4 above.

Kelley does not specifically teach the comparison result is used for determining whether the audio element should be transmitted to the remote listener.

However, Srinivasan teaches a method and system for broadcasting information (including advertisement) to the remote listener/viewer by personalizing the information according to collected demographic information [Abstract], wherein the demographic information could obviously include age, sex, locations, and marital status, etc.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kelley's efficient matching technique within the system of Srinivasan because the combined teachings could lead to a faster, individualized multimedia broadcasting.

11. As to claims 10-16, 19-20 and 22, since the features of these claims can also be found in claims 1-3, 5, 8-9 and 18, they are rejected for the same reasons set forth in the rejection of claims 1-3, 5, 8-9 and 18 above.

Art Unit: 2154

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Leeke et al. [U.S. Pat. No. 6587127]; and

Davis et al. [U.S. Pat. No. 6167393].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

August 10, 2004

*Wen-Tai Lin*  
8/10/04